D.B. CIVIL SPECIAL APPEAL (W) NO.111/2005.
(State of Rajasthan & Ors. vs. Shyam Chand & Anr.)

Date : 12.05.2005

**HON'BLE MR.JUSTICE N.N.MATHUR**
**HON'BLE MR.JUSTICE MANAK MOHTA**

Mr.O.P. Boob, Additional Government Advocate.
Mr.S.G. Ojha, for the respondents.

We have heard learned counsel for the appellants and perused the order of the learned Single Judge dated 17.10.2003.

The labour court having found the order of termination in violation of provisions of Industrial Disputes Act, answered the reference in favour of the appellants. However, in lieu of the reinstatement directed for payment of compensation in the sum of Rs.23,000/-.

The learned Single Judge following the decision of the Hon'ble Apex Court in Vikramaditya Pandey vs. Industrial Tribunal, Lucknow & Ors., reported in 2001 (88) FLR 741, set aside the judgment of compensation and directed for reinstatement with 50% of the back wages.

It is contended by the learned counsel that the labour court considering the relevant material directed for

payment of compensation in lieu of reinstatement. The learned Single Judge committed error in directing the reinstatement.

On careful consideration of the entire material, we are of the view that no interference is warranted with the order of the learned Single Judge. It is not a case where the respondent-workman had worked only for a brief period or the order of termination has been set aside on technical ground. On the contrary it is a case of victimization. The respondent-workman was engaged as Beldar in the year 1987. On completion of two years services, he was entitled for status of semi-permanent. He made a representation for status of semi-permanent. The appellants terminated from his services vide order dated 01.03.1990. Thus, it cannot be said that the order of termination has been set aside on a technical ground. The learned Single Judge has rightly interfered with the part of the labour court.

No interference is warranted with the order of the learned Single Judge.

The special appeal stands dismissed.

**(MANAK MOHTA),J.** **(N.N.MATHUR),J**

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